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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,626	11/03/2003	Charles Matthew Erwin	4450-0409P	3403
2292	7590	06/14/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PATEL, TULSIDAS C	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,626

Applicant(s)

ERWIN ET AL.

Examiner

T. C. Patel

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-- Th MAILING DATE of this communication app ars on the cover sheet with the corr spond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

General Status

1. This is a First Action on the Merits. Claims 1-15 are pending in the case.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Kent et al. (US 6,554,489).

Kent et al. in figures 1-14, discloses an optical fiber bending apparatus 20 comprising a flexible tubular main body 22, having first end 30 and a second end 32, a channel 23 formed in the main body, the first end is capable receiving an optical fiber and the second end 32 is capable of receiving a connector boot (figure 4), an optical fiber 48 placed in the channel flexes away from the chassis (chassis is not positively recited).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent et al. (US 6,554,489) in view of Rodgers (US 6,236,795).

Kent et al. discloses a plurality of benders 20 connected to optical fibers 48 (figure 10), including steps of attaching benders near bases of the optical fibers 48, the fiber benders (figure 10) having a first end 30, a second end 32 and a channel 23 formed in the body, the benders bend the optical fibers substantially orthogonal from one end to the other. For claims 3 and 4, the step of connecting the optical fibers to LC connector 49 is disclosed in figure 4, though the number of fibers is not disclosed, a plurality of fibers in the cable 49 is visible in figure 4 and for claim 4, each of the fiber bender is attachable to a single fiber or alternatively for claim 5, each of the connector 49 is connectable to two fibers. For claim 6, a connector boot 50a is also for claims 7 and 8, the benders are shown to be parallel in figure 10, however, it would be obvious to rotate one of the benders to bend the inserted fiber in opposite or 90 degree angle, also for claim 8, a shoulder is disclosed at 38, 238a, 338a, which is capable of being used for abutting inserted connector boot (connector boot is not positively recited in this claim).

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6. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent et al. (US 6,554,489) in view of Rodgers (US 6,236,795) and Brownjohn (US 5,212,751).

As discussed above, Kent et al. in view of Rodgers discloses claimed invention except for connecting optical fibers to optical transducer via male female connectors at a faceplate. Brownjohn, in figure 1, discloses an optical connector with a transducer (column 3, lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Kent et al. as modified by Rodgers and further modify as taught by Brownjohn, so that optical signals can be converted into electrical signals. The fiber benders, LC connectors, arranging fibers and arranging benders upward or downward, as required, all are obvious to one of ordinary skill in the art, so as to properly route the fibers in the device.

7. The prior art made of record and not relied upon is considered pertinent to applicant's invention. Lampert (US 5,461,690), Belenkiy et al. (US 5,347,603), Childers et al. (US 6,134,370), Walters et al. (US 5,710,851), Womack et al. (US 5,640,476), Monroe et al. (US 5,094,552) and Ngo (US 6,629,783), Knowles (US 4,372,511) all disclose benders and Monroe et al. (US 5,094,552) discloses bender for multiple fibers.

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Applicant also should consider these references in response to this office action.

Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (571) 272-2098. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 271-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. C. Patel
Primary Examiner
Art Unit 2839

Tcp
June 9, 2004